



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## RECENT IMPORTANT DECISIONS.

---

ADMIRALTY.—EXCLUSIVE JURISDICTION.—A suit was brought against the owners of a steamboat for repairing and rebuilding the craft. The defendants were personally served with process and a specific attachment was issued against the boat under §§ 2480-2486 of the Kentucky Statutes, which provide for a lien upon watercraft for work and supplies. The defendants by special demurrer challenged the jurisdiction of the Kentucky court. The demurrer was overruled and judgment went against the defendants. Upon writ of error to the Supreme Court of the United States it was *held*: that the proceeding was *in personam* and not *in rem*; that the attachment and sale were incidental to the suit against the owners, and for the purpose of securing satisfaction of the judgment; that, therefore, the proceeding was within the scope of the common law remedy saved to suitors by the JUDICIARY ACT, 1 STAT. 77, R. S. § 563, and was not a proceeding exclusively within the cognizance of a court of admiralty. *Rounds, et al. v. Cloverport Foundry and Machine Company*, 35 Sup. Ct. 596.

The proceeding *in rem* which is within the exclusive jurisdiction of admiralty is essentially against the vessel itself as the debtor or offending thing. In such a suit the ship is considered as a legal entity, capable of incurring obligations enforceable at law without reference to her owner (*Tucker v. Alexandroff*, 183 U. S. 424, 438); it may therefore be arrested and condemned as the defendant, and the title passed by an admiralty decree *in rem* will be good as against all the world because the court's possession of the *res*, under the due exercise of its jurisdiction, is deemed to make all interested persons parties to the suit. *The Mary*, 9 Cranch. 126, 144; *The Moses Taylor*, 4 Wall. 411; *The Hine v. Trevor*, 4 Wall. 555; *The Belfast*, 7 Wall. 624; *The Glide*, 167 U. S. 606; *The Robert W. Parsons*, 191 U. S. 17; *The Josephine*, 39 N. Y. 19, 27. But the common law courts have jurisdiction concurrently with the courts of admiralty where the action is *in personam* with an auxiliary attachment to secure the payment of a personal judgment, whether such an attachment runs against the general property of the defendant or specifically against a certain vessel. *Leon v. Galceran*, 11 Wall. 185. See also *Johnson v. Elevator Company*, 119 U. S. 388, 389, 399. *Knapp, Stout and Co. v. McCaffrey*, 177 U. S. 638, 646, 648, clearly lays down the distinction in the following language: "If the cause of action be one cognizable in admiralty and the suit be one *in rem* against the thing itself, though a monition be also issued to the owner, the proceeding is essentially one in admiralty. If, upon the other hand, the cause of action be not one of which a court of admiralty has jurisdiction, or if the suit be one *in personam* against an individual defendant, with an auxiliary attachment against a particular thing, or against the property of the defendant in general, it is essentially a proceeding according to the course of the common law, and within the saving clause of the statute (§ 563) of a common law remedy.